



**US Army Corps  
of Engineers**  
Huntington District

# Public Notice

In reply refer to:	Issuance Date:
<b>Public Notice No.</b> 200100909	<b>October 23, 2001</b>
Application No.:	Expiration Date:
<b>Levisa Fork</b>	<b>November 22, 2001</b>
Address comments to:	US Army Corps of Engineers, Huntington District 502 Eighth Street <b>ATTN: CELRHF</b> Huntington, West Virginia 25701-2070

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899.

**APPLICANT:** Mountain Dredging, Inc.  
PO BOX 10  
Paintsville, KY 41240

**LOCATION:** The project is located in the Levisa Fork at rivermile 32.08 in Offut, Johnson County, Kentucky.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to expand an existing dredge operation at rivermile 32.10 in the Levisa Fork. The proposal would include dredging sand and coal from the riverbed for an additional 700 linear feet upstream of the existing dredge operation. The two sites are immediately adjacent and would total 1,400 linear feet. The dredge cut would be approximately 150' wide and would be no closer than 25' to either shore.

The existing hydraulic dredge would be extended upstream to remove material from the proposed area. The material would be pumped through a floating line to the existing upland processing plant on the left descending bank. Coal would be removed and stockpiled for eventual sale. Trash and debris would be separated and removed to an approved upland disposal site. The sand would be pumped into two concrete holding bins. Water and any remaining sand would then be pumped into a settling pond to remove remaining sediment. The water would then be slowly discharged back into the river at the downstream dredge cut. The applicant has indicated that the proposed separation system would eliminate the creation of a sandbar at the discharge point. If approved, this area would be operated for 60-90 days per year.

Plans of the proposed work are attached to this notice.

All point source discharges from this facility are under the jurisdiction of the Kentucky Department for Environmental Protection, Division of Water.

The National Register of Historic Places has been consulted and it has been determined that there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the Kentucky Heritage Council for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

The Huntington District has consulted the most recently available information and determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have whether any listed or proposed to be listed endangered or threatened species may be present in the area that would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments.

All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If you have any questions concerning this public notice, please call Tammy R. Fudge at 304-529-5210.



Michael D. Gheen  
Chief, Regulatory Branch

